

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,	:	
	:	
vs.	:	DOCKET NUMBER
	:	1:17-CR-0224-AT-1
ALLEN J. PENDERGRASS,	:	
	:	ATLANTA, GEORGIA
DEFENDANT.	:	AUGUST 25, 2017

TRANSCRIPT OF AUDIO-RECORDED PRETRIAL CONFERENCE PROCEEDINGS

BEFORE THE HONORABLE CATHERINE M. SALINAS

UNITED STATES MAGISTRATE JUDGE

APPEARANCES OF COUNSEL:

FOR THE GOVERNMENT:

RANDY CHARTASH
UNITED STATES ATTORNEY'S OFFICE

FOR THE DEFENDANT:

ROBERT H. CITRONBERG
LAW OFFICE OF ROBERT CITRONBERG

***MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED
TRANSCRIPT PRODUCED BY:***

OFFICIAL COURT REPORTER:	SHANNON R. WELCH, RMR, CRR
	2394 UNITED STATES COURTHOUSE
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P R O C E E D I N G S

(Atlanta, Fulton County, Georgia; August 25, 2017.)

THE COURT: 1:17-CR-224. It is the case of Allen Pendergrass.

All right. So you did file some motions?

MR. CITRONBERG: You want me to just run through them, Judge?

THE COURT: Yes. Tell me what we need to do.

MR. CITRONBERG: First was a Jackson-Denno motion. I don't believe there are any statements. I have one video of a statement where my client just says I don't want to make a statement.

So I just did it as a precaution, unless there is a statement I don't know about.

MR. CHARTASH: Not to my knowledge. But I'll double-check. I don't --

THE COURT: Mr. Chartash, you don't know?

MR. CHARTASH: Right. I'll double-check and ask. And if there is something, I'll have Jeff call you.

MR. CITRONBERG: Okay.

THE COURT: All right. Let's assume that there are no statements. And if there are statements, would you just have him let us know that.

MR. CHARTASH: Yes.

THE COURT: But, otherwise, we're going to -- will

1 you withdraw that motion after you find out that there is no
2 statements?

3 MR. CITRONBERG: Fine, Judge.

4 THE COURT: Okay.

5 COURTROOM DEPUTY CLERK: (Inaudible.)

6 THE COURT: Let us know that you withdraw it when you
7 find out.

8 MR. CITRONBERG: Sure.

9 THE COURT: Okay. Next?

10 MR. CITRONBERG: The second one is a motion to
11 suppress evidence. Again, it is not my understanding --

12 THE COURT: There is no evidence either?

13 MR. CITRONBERG: -- there were any searches.

14 MR. CHARTASH: I hope there is evidence, Your Honor.
15 But I'm not sure.

16 THE COURT: Any evidence we want it out.

17 MR. CITRONBERG: Right. But I don't believe there's
18 any searches and seizures. But, again, I'm sure Mr. Chartash
19 and his minions will ascertain the truth of that statement.

20 THE COURT: All right. So, again, if there is no
21 searches or seizures, will you let us know and we'll
22 withdraw -- that that is withdrawn?

23 MR. CITRONBERG: Yes, Your Honor.

24 THE COURT: Okay. Thanks.

25 MR. CITRONBERG: The third one is a little more

1 interesting. He, as you recall, was brought down here from the
2 Midwest having been in jail on a fraud case and serving time.
3 And now he is here on a fraud case. I -- they are similar.
4 But I don't know if there is a double jeopardy issue. I have
5 to acquire the file from his first case and then compare it to
6 what is here.

7 So I just filed a place-keeper motion on the double
8 jeopardy issue.

9 THE COURT: Have you tried to get that file?

10 MR. CITRONBERG: I have to figure out where to order
11 it from. Yes. It is a lawyer up in -- wherever it is.

12 THE COURT: All right. Well, you need to do that
13 next week.

14 MR. CITRONBERG: Okay.

15 THE COURT: And I'll give you -- how about three
16 weeks to perfect the motion? Is that enough time?

17 MR. CITRONBERG: Hold on.

18 THE COURT: Is he in jail?

19 MR. CITRONBERG: The only thing is -- I'm in a
20 federal trial starting the 18th.

21 THE COURT: Oh, the ol' federal trial.

22 MR. CHARTASH: The ol' federal trial. If it is a
23 state trial --

24 MR. CITRONBERG: It is not in Atlanta. It is in
25 Greenville, North Carolina, which is the middle of nowhere.

1 THE COURT: All right. Is he out on bond?
2 MR. CITRONBERG: Yes, ma'am.
3 THE COURT: Okay. Well, why don't we --
4 COURTROOM DEPUTY CLERK: (Inaudible.)
5 THE COURT: I don't think I saw him. I don't think I
6 met him.
7 COURTROOM DEPUTY CLERK: Oh, this is Judge Totenberg.
8 For some reason, I thought we did it.
9 Didn't we do the bond?
10 MR. CITRONBERG: Yeah.
11 THE COURT: Maybe we just did his initial.
12 MR. CITRONBERG: He is out on bond.
13 THE COURT: Okay. So we need to get the file. How
14 about we'll give you a month to perfect your motion?
15 MR. CITRONBERG: Sure.
16 THE COURT: What looks like a good date?
17 MR. CITRONBERG: How about the end of the week of the
18 29th?
19 THE COURT: Which is -- give me a date.
20 MR. CITRONBERG: I'm sorry. It will be September 29.
21 THE COURT: Okay. You are going to perfect it by
22 9/29?
23 MR. CITRONBERG: Yes.
24 THE COURT: Okay.
25 MR. CITRONBERG: And --

1 THE COURT: Or you can withdraw it too if it looks
2 like they are not really very similar.

3 MR. CITRONBERG: Okay. And the other two motions --

4 THE COURT: They need to be really, really similar.

5 MR. CITRONBERG: Yeah, I know.

6 THE COURT: I mean, just because -- you know --

7 MR. CITRONBERG: And it is not as interesting as the
8 case in Switzerland.

9 But the other two motions, one was to allow the
10 filing of the motion two days late.

11 THE COURT: That is granted. We'll go ahead and
12 grant that.

13 MR. CITRONBERG: The other was a motion to perfect
14 these motions depending on what Mr. Chartash finds out --

15 MR. CHARTASH: Okay.

16 MR. CITRONBERG: -- which has been, I guess, granted
17 until the 29th.

18 THE COURT: Yes. I'll just say that 28 and 29 are
19 granted and that you have until the 29th to perfect all your
20 motions, which I guess --

21 MR. CITRONBERG: If they don't exist, they don't
22 exist.

23 THE COURT: Right. To either -- how about this? You
24 have until the 29th to either perfect or withdraw your motions.

25 MR. CITRONBERG: Thank you, Judge.

1 THE COURT: How about that?

2 All right. Mr. Chartash, anything that you want to
3 present to the Court?

4 MR. CHARTASH: There is a lot but not right at this
5 moment, Your Honor. No. Thank you.

6 THE COURT: Okay. Well, thanks for coming down. I
7 appreciate it.

8 MR. CHARTASH: Again, I apologize.

9 THE COURT: Well, it is fine for us. I'm glad that
10 he got to get -- that we got Mr. Citronberg taken care of.

11 Okay. Thank you so much. We'll be in recess.

12 **(The audio-recorded proceedings were thereby**
13 **concluded at 11:38 A.M.)**

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C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of the United States District Court, for the Northern District of Georgia, Atlanta Division, do hereby certify that the foregoing 7 pages constitute a true transcript of proceedings had before the said Court, held in the City of Atlanta, Georgia, in the matter therein stated.

In testimony whereof, I hereunto set my hand on this, the 28th day of October, 2022.

Shannon R. Welch

SHANNON R. WELCH, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
OFFICIAL CERTIFIED TRANSCRIPT